

**OPINION
45-265**

March 26, 1945 (OPINION)

SCHOOL BUILDINGS

RE: Dances - No License Required for Occasional Dance

Re: Dances Held by Teachers and 4H Clubs and Y.C.L.

This will acknowledge the receipt of your letter of March 24, 1945, wherein you state that the teachers or children are "putting on a dance and have billed it for Friday night, April 6th, at Deer Lake School; that Mrs. Wayne Gushawa, a teacher in the school at Buchanan, and Orvin Olson, school clerk, are putting on a public dance; and that the teacher and school clerk at Windsor are sponsoring a dance on April 13th."

It is our opinion that chapter 53-06 of the North Dakota Revised Code of 1943, relating to the licensing of dance halls, theatres, moving picture shows, etc., by the attorney general, does not apply to occasional dances sponsored by 4H Clubs, Y.C.L., or similar groups when such dances are held as a part of the festivities incidental to and a part of a program of a community social gathering and not for the purpose of profit. And even though a charge or admission may be required of those who attend in order to help defray the expenses of such social gathering, it is our opinion that the holding of an occasional dance in a schoolhouse does not require licensing by the attorney general. It is our opinion that a schoolhouse cannot be licensed as a public dance hall. No school district can lease, let, or rent a schoolhouse for use as a public dance hall.

The fact, however, that a dance may occasionally be held in a schoolhouse in connection with the program of a social gathering, attended by the patrons, pupils, and teachers of a school, does not make the schoolhouse a public dance hall.

You may feel that competition of this nature is unfair to you as the proprietor and operator of a dance hall. Hotelkeepers, restaurateurs, and operators of public eating places probably feel the same about lunches and suppers served in churches.

However, even an occasional dance, to which the public is invited, sponsored as a social event, by teachers, 4H Club members, or other similar groups may not be held unless a permit is first obtained, in conformity with section 53-0203 of the North Dakota Revised Code of 1943, from the governing board of the city, village, or township in which the dance is to be held.

NELS G. JOHNSON
Attorney General